

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JUSTIN D. PORTER,

Plaintiff

Case No. 2:20-cv 01654-APG-NJK

**ORDER**

v.

SHEPARD, *et al.*,

Defendants

**I. DISCUSSION**

On September 8, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1. Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis* with complete financial attachments.

On September 10, 2020, Plaintiff filed a motion for extension of time to file his fully complete application to proceed *in forma pauperis* with complete financial attachments. Docket No. 5.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

1 The Court grants Plaintiff's motion for extension of time at Docket No. 5 and will allow a  
2 **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing  
3 **all three** of the required documents or, in the alternative, pay the full \$400 filing fee for this action  
4 on or before **November 13, 2020**. Absent unusual circumstances, the Court will not grant any  
5 further extensions of time.

6 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with  
7 all three required documents or pay the full \$400 filing fee on or before **November 13, 2020**, the  
8 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court when  
9 Plaintiff is either able to acquire all three of the documents needed to file a fully complete  
10 application to proceed *in forma pauperis* or pays the full \$400 filing fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
12 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
13 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
14 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before  
15 **November 13, 2020** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
17 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
18 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED Plaintiff's motion for extension of time,  
21 Docket No. 5, is **GRANTED**.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
23 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
24 information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that, on or before **November 13, 2020**, Plaintiff will either  
26 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
27 administrative fee) or file with the Court:

28 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's

1 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
2 3),

3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
4 (i.e. page 4 of this Court's approved form), and

5 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
6 **six-month period.**

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
8 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action  
9 on or before **November 13, 2020**, the Court will dismiss this action without prejudice for Plaintiff  
10 to refile the case with the Court, under a new case number, when Plaintiff has all three documents  
11 needed to file a complete application to proceed *in forma pauperis* or pays the full \$400 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
13 No.1-1, but will not file it at this time.

14 IT IS SO ORDERED.

15 DATED: September 15, 2020.

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18 NANCY J. KOPPE  
19 UNITED STATES MAGISTRATE JUDGE  
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